

REMARKS

Applicants herein amend Claim 30. The amendment is supported in the specification at page 15, lines 5-15, and at page 25, Table 2. Claims 2, 4-7, 9-11, 13-20, 22-30, 32, 33, 35, 36, 38-41, 45 and 46 are pending in the application. Review and reconsideration of the application in view of Applicants' amendments and remarks are respectfully requested.

Applicants thank the Examiner for the indication of allowable subject matter in claims 25-29. For at least the reasons set forth herein, Applicants respectfully submit all pending claims are in condition for allowance.

Claims 4, 17, 30, and 35 are rejected under 35 U.S.C. 102(e) over US 6,692,880 ("Fields '880") as evidenced by provisional application 60/290,707, pages 11-12, and 21-23. For at least the following reasons, Applicants traverse the rejection.

It is asserted in the Office Action at pages 5-6 that Fields '880 demonstrates a 2 minute charge level of $-27.0 \mu\text{C/g}$, a 10 minute charge level of $-37 \mu\text{C/g}$, and a MECCA charge ratio of two minutes to ten minutes of 0.73, as shown in Example 8, Table 3, column 13 of Fields '880, and Table 3, example 8, of provisional '707. It is asserted in the Office Action that the 2'/10' MECCA charge ratio of 0.73 meets the lower limit of "about 0.9" of independent claim 30, from which the remaining rejected claims depend.

Applicants' assert there is a wide discrepancy between 0.73 and 0.9. Applicants admit the term "about" has some uncertainty. As known to those in the scientific and mathematical arts, the degree of uncertainty of a number is equal to that of the smallest reported digit. That is, "about 0.9" means 0.9 ± 0.1 , which provides a maximum lower limit of 0.8. Thus, the 0.73 charge ratio of Fields '880 is clearly outside the lowest possible limit of the claimed invention. For at least the above reason, reconsideration and withdrawal of the rejection are in order, and are respectfully requested.

Claims 2, 5-7, 14, 16, 23, 32, 33, 36, 38-41, 45, and 46 are rejected under 35 U.S.C. 102(e) over US 6,692,880 (Fields) as evidenced by provisional application 60/290,707, pages 11-12, and 21-23. For at least the following reasons, Applicants traverse the rejection.

It is asserted in the Office Action that Fields '880 teaches a 2'/10' MECCA charge ratio of 0.73, meeting the 0.9 charge ratio limitation of independent claims 40 and 46. It is further asserted the toner particles taught meet all the features of the claims, except "the presence of silica or colloidal silica in the toner binder resin," as set forth in the Office Action at page 6. At page 8, the Office Action further states that because the compositional features of the claims are met, and because the 2'/10' MECCA charge ratio is met, "it is reasonable to presume that the toner particles in example 8 of Fields '880 comprise the silica as recited in the instant claims."

Applicants direct the Examiner to the argument set forth above with respect to claims 4, 17, 30, and 35, that "about 0.9" does not include 0.73 following standard mathematical and scientific notation principles as to numerical uncertainty. This also places the amount of organo iron complex charge agent (1.5 wt%) outside the range of claim 14 (about 1.8 wt%). Thus, Fields '880 does not meet the compositional features of the claimed invention, and does not meet the required 2'/10' MECCA charge ratio. Because the claimed composition and features of the toner particles are not met by Fields' 880, it is not reasonable to presume the toner particles of Fields '880 include silica or colloidal silica without an express indication to the contrary, which the Examiner has admitted does not exist.

Fields '880 does not teach, disclose, or suggest the presence of silica or colloidal silica, or the 2'/10' MECCA charge ratio of the claimed invention as set forth in at least independent claims 40 and 46, from which all other rejected claims depend. For at least the above reasons, reconsideration and withdrawal of the rejection are in order, and are respectfully requested.

Claims 9-11, 13, 15, 18-20, 22, and 24 are rejected under 35 U.S.C. 102(e) over US 6,692,880 (Fields) as evidenced by provisional application 60/290,707. For at least the following reasons, Applicants traverse the rejection.

All of the rejected claims depend from either independent claim 40 or independent claim 46, which are addressed in the previous rejection. For the same reasons, none of rejected claims 9-11, 13, 15, 18-20, 22, and 24 are taught, disclosed, or suggested by Fields '880. In particular, Fields '880 does not teach, disclose, or suggest the presence of silica or colloidal silica, or the 2'/10' MECCA charge ratio of the claimed invention. For at least the above reasons, reconsideration and withdrawal of the rejection are in order, and are respectfully requested.

Claims 4, 17, 30 and 35 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US 6,197,466 B1 ("Fields '466"), as evidenced by ACS file registry 60806-47-5, Applicants' admission at page 22, lines 1-15, and Table 3 of the specification, and US 5,709,975 ("Yoerger"). For at least the following reasons, Applicants traverse the rejection.

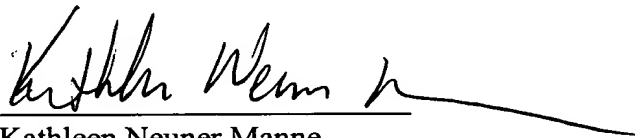
The Office Action indicates that the charge levels and resultant charge ratios are dependent upon the carrier particles used with the toner, and points to Fields '466 and Yoerger as exemplary. Fields '466 changed the surface treatment of the toner particles, not developer, between examples. Fields '466 exemplifies developers wherein the carrier is a hard magnetic ferrite carrier particle, without a resin material. Yoerger uses silane-containing developers.

Applicants have amended independent claim 30 to indicate the measurement of the charge is performed after mixture with a carrier comprising a mixture of polyvinylidene and polymethylmethacrylate. This is supported by the specification at least in the examples, and at page 15, lines 5-15. Neither reference teaches the carrier as set forth in the claims. Neither reference indicates a two minute charge level of about -20 to about -30 μ C/g. For at least the above reasons, reconsideration and withdrawal of the rejection are in order, and are respectfully requested.

Applicants submit all pending claims are in condition for allowance. Reconsideration and prompt action in the form of a Notice of Allowance are respectfully solicited.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Neuner Manne', is written over a horizontal line.

Kathleen Neuner Manne
Attorney for Applicant(s)
Registration No. 40,101

KNM:rdp
Rochester, NY 14650
Telephone: (585) 722-9225
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.